



FIBERNET

Annual 17 C.F.R. § 64.2009(e) CPNI Certification
EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2007

Date filed: 2/12/08

Name of company covered by this certification: Local Fiber, LLC

Form 499 Filer ID: 823360

Name of signatory: Michael S. Hubner

Title of signatory: Senior Vice President, General Counsel

I, Michael S. Hubner, certify that I am an officer of the company named above and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions against data brokers in the past year.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

Signed: /s/ Michael S. Hubner

FiberNet Telecom Group, Inc.
Policy for Safeguarding Customer Proprietary Network Information

Policy Statement: It is the policy of FiberNet to protect and maintain the confidentiality of customer proprietary network information as required by federal law. The company has a duty under federal law to protect the confidentiality of customer information and relies on its employees to fulfill that duty. Customer proprietary network information will be used or disclosed by FiberNet employees only in accord with applicable federal regulations and FiberNet procedures as described below.

Types of customer information protected: During the course of a customer's relationship with FiberNet, the company will come into possession of information about the customer's use of the company's services. Federal law specifically protects customer information that relates to the quantity, technical configuration, type, destination, location, and amount of use of the customer's service, as well as any telephone service information contained in the customer's bill.^{1/} Such information may include, for example, the phone numbers called by a customer, the length of the calls, and records of additional services purchased by the customer, such as voice mail.

Restrictions on use and disclosure of customer information: Customer information may not be used by or disclosed to anyone outside of FiberNet without the customer's permission. This includes FiberNet affiliates, unless the customer is also a customer of that affiliate. Within FiberNet, customer information may not be used to market services in any category of services to which the customer does not currently subscribe, unless the customer has given permission. Categories of service for purposes of this restriction are local exchange service, long-distance service, and wireless service.

Types of Customer Permission Required: Different types of customer permission are required for different types of customer information use or disclosure. Upon written request from the customer, the customer's information may be disclosed to any person designated by the customer. Customers seeking to access their customer information online must produce a user ID and password previously set by the customer. A customer who has lost or forgotten his or her password may be authenticated by correctly answering one or more questions established with FiberNet at the time the password was set up.

^{1/} These types of information have been termed "customer proprietary network information" or "CPNI" by the Federal Communications Commission.

Customers may only access their call detail information^{2/} online - any customer that seeks access to such information over the phone shall be directed online by FiberNet employees. Customer information (other than call detail) may be given to the customer over the phone without a password once the customer reasonably satisfies the FiberNet employee of his or her identity. Customers may, over the phone without producing a password, request that FiberNet send call detail information to the customer's postal or e-mail address of record or request that FiberNet call the customer's telephone number of record with the requested call detail.

Customer permission required for FiberNet use of customer information in various types of marketing is described further below.

Exceptions to use and disclosure restrictions: The law allows FiberNet to use or disclose customer information without permission for the following purposes:

1. to provide services (including installation, maintenance, repair, and billing for services) in any category of services to which the customer subscribes;
2. to market services (including marketing upgrades to basic service) in any category of services to which the customer already subscribes;
3. to publish directories or allow other parties to publish directories;^{3/}
4. to protect FiberNet, its customers, or other parties against fraudulent, abusive or unlawful use of services; or
5. to respond to a legal demand for the information (e.g., a subpoena or court order).

Supervisors may authorize employee use of customer information for purposes #1 and #2, above. Use of customer information for purpose #2 must follow guidelines described below. Use or disclosure of customer information for purpose #3 may only be undertaken with the authorization and guidance of the Company's legal department, if directories are not published by Company. Supervisors faced with a situation described in purposes #4 and #5 should consult with the Company's legal department before using or disclosing any customer information. Questions about any of these

^{2/} Call detail information is any information that pertains to the transmission of specific telephone calls including, for outbound calls, the number called, and the time, location, or duration of any call and, for inbound calls, the number from which the call was placed and the time, location, or duration of the call.

^{3/} Only names, telephone numbers, addresses, and advertising classification (if any) may be used or disclosed for this purpose. If a customer has requested an unlisted number, information may not be disclosed for directory publication purposes.

situations, or demands for use of customer information other than those described above should be directed to the Company's legal department at (212) 405-6200.

Customer permission to use or disclose customer information for marketing campaigns: FiberNet may seek permission from customers to use their customer information in marketing campaigns for other categories of services than those to which the customer currently subscribes. Once customer permission has been obtained, customer information may be used by FiberNet and its affiliates to market communications-related services to that customer in any category of services.^{4/} Customer permission does not allow the use or disclosure of customer information for any other purpose, including the marketing of non-communications-related services.^{5/}

Records of customer permission of use or disclosure of customer information for marketing: Customer records will be clearly marked as to whether permission for use or disclosure of customer information for marketing of communications related services has not been granted. For customers whose records are not so marked, FiberNet employees may assume permission has been granted.

Approval and Recordkeeping for Use of Customer Information in a Marketing Campaign: Before a supervisor may authorize employees to use customer information for marketing purposes, the proposed use of customer information must be reviewed and approved by the legal department to assure the proposed use conforms with this policy and applicable federal regulations.^{6/} Records of these reviews, including a description of the campaign, the specific customer information used in the campaign, and what products and services were offered as part of the campaign, will be maintained by the legal department.

Upon completion of a marketing campaign that uses customer information, or at regular intervals during the campaign, the appropriate supervisor will review the campaign to ensure the use of customer information is in accord with this policy. Copies of such evaluations will be sent to the legal department for maintenance in the record of the campaign.

^{4/} The "opt-out" permission system used by FiberNet does not extend to use of customer information for marketing by joint venture partners or independent contractors.

^{5/} Except, of course, for those purposes for which customer permission is not required, as described above.

^{6/} This requirement applies both to campaigns to market services in categories to which the customer already subscribes (i.e., campaigns that do not require customer permission) and to campaigns to market communications-related services or communications services in categories to which the customer does not already subscribe.

Employee Training: As part of initial orientation and training, all new employees will be provided training on FiberNet policies and procedures with regard to protection and appropriate access and use of customer information. Training specific to each marketing campaign will be provided to employees at the initiation of any marketing campaign that uses customer information.

Required Notifications and Annual Certification: To allow a customer to verify any change to the customer's on-line account, address of record, password, or authentication questions established when the password was set up, the IT department will notify a customer immediately, through telephone call to the customer's number of record or mail to the customer's address of record,^{7/} of any changes.

In any instance where a security breach results in customer information being disclosed to a third party without the customer's authorization, the employee discovering the breach must immediately notify the appropriate supervisor, who will notify the legal department. The legal department will, no later than seven days after determination of the breach, notify law enforcement through an online central reporting facility maintained by the United States Secret Service ("USSS") and the Federal Bureau of Investigation ("FBI"). Unless instructed otherwise by law enforcement, FiberNet will notify the customer of the breach seven days after reporting it to the USSS and FBI.

The company's General Counsel will, by March 1st of each year, execute the required certification of FiberNet's compliance with customer information protection regulations along with the required report of actions taken against data brokers attempting to obtain customer information and summary of consumer complaints of unauthorized release of customer information during the previous calendar year.

Penalties for misuse or inappropriate disclosure of customer information; reporting misuse: Misuse or inappropriate disclosure of customer information can subject FiberNet to legal penalties that may include substantial monetary fines. Employees involved in misuse or inappropriate disclosure of customer information are subject to employee disciplinary action, including possible termination from employment.

^{7/} A customer's address of record may be any address, either postal or electronic (*i.e.*, e-mail), that has been associated with the customer's account for at least 30 days. The telephone number of record must be the number associated with the underlying service, and not some other number the customer has given as "contact information."

Supervisors or employees aware of misuse or inappropriate disclosure of customer information must report that knowledge to the legal department when such misuse or inappropriate disclosure is discovered.